

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educators)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of Mary L. Bennett)	
)	
Certificate # 121639)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 12, 2003. On May 16, 2003, the State Department of Education (Department) sent Ms. Mary L. Bennett a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educators certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Ms. Bennett received the notice, as evidenced by a postal receipt bearing her signature. Ms. Bennett requested a private hearing, which was held on July 17, 2003, before John Fantry, Jr., Esquire, a hearing officer appointed by the State Board. Ms. Bennett was duly notified of the hearing but failed to appear. After considering the evidence presented by Marion County School District Seven (District), Mr. Fantry recommended that the State Board suspend Ms. Bennett's certificate #121639 for a period of one year from the date of the hearing. After considering the evidence provided in the hearing officer's report, the State Board voted to suspend Ms. Bennett's certificate for one year.

FINDINGS OF FACT

Ms. Bennett holds a valid certificate and has over nineteen years of teaching experience. She was under contract with the District for the 2002-2003 school year, as a teacher at Creek Bridge High School. She also signed a contract to teach in the District for the 2003-2004 school year. Ms. Bennett resigned her position in a letter to the District Superintendent dated April 10, 2002, citing her concern for her health and

safety. The District notified her that she was expected to return to work on April 21, the first school day after the spring recess. According to the Superintendent, Ms. Bennett did not register any health and safety complaints with District officials prior to her resignation letter. Ms. Bennett did not return and on May 6, 2003, the District Board voted to file a complaint with the State Board to seek the suspension of her certificate for breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is conclusive evidence supporting its decision to suspend Ms. Bennett's certificate # 121639 for a period of one year from July 17, 2003, through July 16, 2004, on the ground of unprofessional conduct due to breach of contract. At the end of the suspension period if she wants her certificate reinstated, Ms. Bennett may make a written request for reinstatement to the Office of Teacher Education and Certification of the Department.

South Carolina State Board of Education

By: /S/ Greg Killian

Greg Killian

Chair

Columbia, South Carolina

August 12, 2003